IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

FIRST APPEAL NO.2930 OF 2006
WITH
FIRST APPEAL NO.2890 OF 2006
WITH
FIRST APPEAL NO.2891 OF 2006
WITH
FIRST APPEAL NO.2892 OF 2006
WITH
FIRST APPEAL NO.2893 OF 2006
WITH
FIRST APPEAL NO.2894 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Anil Singh i/b T.R.Patel for the appellant.

Mr.H.S.Venegavkar for the appellants in FA Nos.2890/06, 2891/06, 2892/06, 2893/06, 2894/06.

Mr.J.J.Xavier for the respondent-corporation in all the matters.

CORAM: D.B.BHOSALE, J.
DATED: 20TH DECEMBER, 2006

P.C.:

. Heard learned counsel for the parties.

2. The learned counsel for the appellants after arguing these appeals for sometime have prayed for withdrawal of all the appeals unconditionally with liberty to the appellants to make appropriate representations to the concerned authority seeking regularisation of the stalls in dispute or for alternative site. Mr.Xavier, learned counsel for the respondent-corporation though has not objected

for withdrawal of the appeals with liberty as prayed for, he submitted that the liberty may be granted without prejudice to the rights and contentions of the Corporation. The learned counsel for the appellants have placed on record the undertakings/affidavits of all the appellants. The undertakings are taken on record and marked "X" for identification. The undertakings are accepted. Hence I pass the following order:

(a) The appeals are disposed of as withdrawn with liberty to the appellants to make appropriate representation seeking either regularisation of the stalls in dispute or alternative site or permission to remain at the same site as per letter dated 17.4.1998 within a period of four weeks from today. If the Corporation desire to allow the appellants to remain at the very same site for further temporary period, an undertaking be taken from them that they shall remove themselves from the site as and when the Corporation require the site for public purpose or further development. Similar undertaking may be taken from the appellants if they are allotted alternate site and even in case of regularisation.

(b) While granting the liberty I shall not be understood to have expressed any opinion on the rights and contentions of the parties. The Corporation shall deal with the representations, that may be filed by the appellants as aforestated, on merits in accordance with law within a period of 12 weeks therefrom.

(c) If the representations are made within time stipulated the Corporation shall not take action of demolition in pursuance of the notice/order impugned in the appeals for a period of 20 weeks from today. However, if the appellants fail to make representation, as aforestated, it will be open for them to proceed with action in pursuance of the notice/orders impugned in the appeals.

(d) The appellants shall make the representations, as aforestated, to the Assistant Commissioner (Markets).

. With these observations all the appeals stand disposed of.

(D.B.Bhosale, J.)